

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-9-06

WHEREAS, CAP INVESTMENTS L. L. C. applied to Community Zoning Appeals Board 10 for the following:

RU-5A to OPD

SUBJECT PROPERTY: Lots 1 – 14, Block 16, SECOND ADDITION TO SOUTHERN ESTATES, Plat book 73, Page 15.

LOCATION: The Northwest corner of S.W. 119 Court & S.W. 42 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1.) **Site Plan**

The Property shall be developed substantially in accordance with that plan submitted with the declaration entitled "Kendall Medical Park Proposed Bird Road Facility," as prepared by Naya Architects, dated, signed, and sealed July 28, 2005, and consisting of 12 sheets.

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 10 that the requested district boundary change to OPD would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions was accepted and said application was approved by Resolution No. CZAB10-85-05, and

WHEREAS, **RODOLFO J. DOMINGUEZ, RICARDO WON, FELIX QUEVEDO** and **MARGARITA QUEVEDO** appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

RU-5A to OPD

SUBJECT PROPERTY: Lots 1 – 14, Block 16, SECOND ADDITION TO SOUTHERN ESTATES, Plat book 73, Page 15.

LOCATION: The Northwest corner of S.W. 119 Court & S.W. 42 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1.) **Site Plan**

The Property shall be developed substantially in accordance with that plan submitted with the declaration entitled "Kendall Medical Park Proposed Bird Road Facility," as prepared by Naya Architects, dated, signed, and sealed July 28, 2005, and consisting of 12 sheets.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons alleged by the appellants to over turn the decision of Community Zoning Appeals Board 10 in Resolution No. CZAB10-85-05 were insufficient to merit a reversal of the decision and the appeal should be denied and the decision of Community Zoning Appeals Board 10 should be sustained, and that the requested district boundary change to OPD would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan

for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to deny the appeal without prejudice and sustain the decision of Community Zoning Appeals Board 10, accept the proffered Declaration of Restrictions, and approve the application, was offered by Commissioner Sen. Javier D. Souto, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

| | | | |
|--------------------|--------|----------------------|-----|
| Bruno A. Barreiro | absent | Dennis C. Moss | aye |
| Jose "Pepe" Diaz | aye | Dorin D. Rolle | aye |
| Audrey M. Edmonson | aye | Natacha Seijas | aye |
| Carlos A. Gimenez | aye | Katy Sorenson | aye |
| Sally A. Heyman | aye | Rebecca Sosa | aye |
| Barbara J. Jordan | aye | Sen. Javier D. Souto | aye |

Chairperson Joe A. Martinez absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied without prejudice and the decision of Community Zoning Appeals Board is sustained.

BE IT FURTHER RESOLVED that the requested district boundary-change to OPD be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that Resolution No. CZAB10-85-05 remains in full force and effect

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 9th day of March, 2006, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-10-CZ10-6

ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

KAY SULLIVAN
By _____

Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 14TH DAY OF MARCH, 2006.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

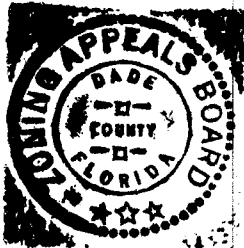
I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-9-06 adopted by said Board of County Commissioners at its meeting held on the 9th day of March, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 14th day of March, 2006.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center

111 NW 1st Street • Suite 1210

Miami, Florida 33128-1902

T 305-375-2800

miamidade.gov

March 14, 2006

Cap Investments L. L. C.
c/o Gilberto Pastoriza
2665 South Bayshore Dr.
Suite 204
Miami, FL 33133

Re: Hearing No. 05-10-CZ10-6
Location: The Northwest corner of S.W. 119 Court
& S.W. 42 Street, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-9-05, adopted by the Board of County Commissioners, which **denied the appellant's appeal without prejudice, accepted your Declaration of Restrictions, and approved your request for a district boundary change to OPD** on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **March 14, 2006**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Murray A. Greenberg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer



Department of Planning and Zoning

Stephen P. Clark Center

111 NW 1st Street • Suite 1210

Miami, Florida 33128-1902

T 305-375-2800

miamidade.gov

March 14, 2006

Cap Investments L. L. C.
c/o Charles Baron
1380 NE Miami Gardens Dr Ste 206
North Miami Beach Florida 33179

Re: Hearing No. 05-10-CZ10-6
Location: The Northwest corner of S.W. 119 Court
& S.W. 42 Street, Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-9-06, adopted by the Board of County Commissioners, which denied your appeal and sustained the decision of Community Zoning Appeals Board 10.

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is **March 14, 2006**.

Copies of any court filings concerning this matter should be served upon both my office and:

Murray A. Greenberg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

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Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
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